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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,690	01/24/2001	Louise C. Sengupta	283014-00029	3904
7:	590 09/19/2002			
Alan G. Towner Eckert Seamans Cherin & Mellott, LLC 600 Grant Street, 44th Floor			EXAMINER	
			BRUNSMAN, DAVID M	
Pittsburgh, PA 15219			ART UNIT	PAPER NUMBER
			1755	• f
•			DATE MAILED: 09/19/2002	4

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Zero MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provision of 3° CPR 1.35(c). In no event, however, may a reply be timely field **Provision of time may be available under the provision of 3° CPR 1.35(c). In no event, however, may a reply be timely field **If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thinty (30) days, and we specified above is less than the statutory princing days and we lessors (30) ANDITED to the manage date of this communication of the provision of the specific or reply specified bove is less than the replaced by the date of this communication, even if limitly filled, may reduce a replaced by the communication of the communication, even if limitly filled, may reduce a replaced by the communication of the communication, even if limitly filled, may reduce a replaced by the specific and the provision of the replaced by the communication, even if limitly filled, may reduce a replaced by the specific and the provision of the replaced by the communication, even if limitly filled, may reduce a replaced by the specific and the provision of the replaced by the scale of the communication, even if limitly filled, may reduce a replaced by the scale of the communication of the replaced by the scale of the communication, even if limitly filled, may reduce a replaced by the scale of the re	^		M4				
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David M Brunsman T755		09/768,690	SENGUPTA ET AL.				
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THE MAILING DATE OF THIS COMMUNICATION. - Extensions of mem may be available under the provision of 3 CFR 1.13(6). In no event, however, may a reply be timely filed after SIX (8) MONTISS from the mailing date of this communication. - If NO pend for reply a specified above, the maintened above, and the communication. - Fallure to reply within the set or extended pende for reply will, by stable, cause the application to become ABANDONED (35 U.S. C.§ 133). - Any reply received by the Official erra the resembnish after the mailing date of this communication, even if timely filed, may reduce any - Status 1) Responsive to communication(s) filed on	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
1) Responsive to communication(s) filed on 2a) This action is FiNAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-48 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 1-48 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13)	 THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 						
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Application/Control Number: 09/768,690

Art Unit: 1755

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-23, drawn to a dielectric material, classified in class 501, subclass 134+.

II. Claims 24-48, drawn to a method of making, classified in class 264, subclass 1+.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product could be made by a calcination process.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Claims 1-48 are generic to a plurality of disclosed patentably distinct species comprising inventions wherein the electronically tunable dielectric phase is selected from the compounds of claim 9 and the at least two additional metal oxide phases are selected from those set forth at page 6, lines 1-14 of the instant specification. Applicants are required to designate a single disclosed compound for the electronically tunable phase and each of the two or more additional phases in their election of a single disclosed species. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the

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examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143). Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David M Brunsman whose telephone number is 703-308-3454. The examiner can normally be reached on M, Tu, Th, F; 6:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Bell can be reached on 703-308-3823. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

> David M Brunsman **Primary Examiner** Art Unit 1755

DMB September 18, 2002